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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,338	11/06/2003	Satoru Hayamizu	009-03-002	8093
35870	7590	02/15/2006	EXAMINER	
APEX JURIS, PLLC LAKE CITY CENTER, SUITE 410 12360 LACE CITY WAY NORTHEAST SEATTLE, WA 98125			STALLARD, JOSEPH A	
			ART UNIT	PAPER NUMBER
			3715	

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/702,338	<b>Applicant(s)</b> HAYAMIZU ET AL.	
	<b>Examiner</b> J. Andrew Stallard	<b>Art Unit</b> 3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/2006; 11/2003</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-3 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Poylo (US 3,665,087).**

**Claim 1:** An auscultation training device, comprising: a model human body which is an imitation of a real human body (10a); a stethoscope simulator (24) which has at least one ear piece fitable in an ear hole of a trainee (col. 2, 45-47; *Sounds are provided to the ear of the stethoscope simulator (24, synthetoscope).*) and an auscultatory section to be placed on said model human body for performing an auscultatory action (24a); a vital sound data memory system (20; *A storage tape (28) stores recorded sounds.*) which stores said data based on various vital sounds such as breath sounds and cardiac sounds generated from the human body (col. 3, 72-75; *Realistic heart sounds are generated.*); an auscultatory point locator which recognizes the auscultatory action on said model human body with said stethoscope simulator (col. 2, 25-27; *Micro switches (16) recognize physical areas for auscultation on said model human body.*) and determines a location of where said auscultatory action took place; a vital sound

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data extracting device which extracts said vital sound data from said vital sound memory, said vital sound data corresponds to the determined auscultatory point (*col. 2, 47-49*); and a vital sound playing device installed in said ear piece of said stethoscope simulator that reproduces said vital sound data extracted from said vital sound memory system (*col. 4, 45-49; A transducer (25) in the stethoscope provides sounds to the ear of the user according to the location on the body.*).

**Claim 2:** The auscultation training device according to claim 1, further comprising: an auscultatory pressure detector which detects auscultatory pressure with said auscultatory section at said auscultation point determined by said auscultation point locator; and a vital sound variation device which based on the detected auscultatory pressure, varies at least one of a sound pressure characteristic and a frequency characteristic of said vital sound data subject to reproduction (*col. 3, 52-56; The frequency of the sound data can be varied according to the pressure at the point of auscultation.*).

**Claim 3:** The auscultation training device according to claim 1, further comprising: a condition recognition device which recognizes a contact condition between a surface of the model human body and the auscultatory section during the auscultatory action; and a condition-vital sound variation device which, based on recognized contact condition therebetween, varies at least one of the sound pressure characteristic and the frequency characteristic of said vital sound data subject to reproduction (*col. 3, 52-71; The frequency of the sound data can be varied according to the contact conditions between the moveable member (45) and the manikin surface (46).*).

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**Claims 7-9:** The auscultation training device according to claim 1, wherein said vital sound data is based on vital sounds which are generated from said real human body (*col. 3, 68-71; Real life audio sounds are produced (i.e. sounds generated from a real human body.)*).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 4-6 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poylo (US 3,665,087), as applied to claims 1-3 and 7-9 above, in view of Lampotang et al. (US 5,779,484).**

Poylo discloses that said vital sound memory system stores said vital sound data classified by cases and symptoms of the cases (*col. 2, 51-53 Vital sound data can be stored and classified by disease (i.e. cases and symptoms of the cases.)*) and has a reproduction prerequisite configuring device which presets reproduction prerequisites for the reproduction of said vital sound data (*col. 2, 53-55; A tape and sound selection system (27) presets prerequisites for the reproduction of vital sound data of the libraries.)*). Poylo does not expressly disclose that said vital sound memory system stores said vital sound data classified by gender and age. Lampotang shows this

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feature to be old in the physiological simulation art. Lampotang teaches using age and gender as parameters for regulating the behavior of a simulation (*col. 14, 60-67*). Lampotang teaches that this helps the simulation behave in a manner consistent with a human patient (*col. 14, 60-63*). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention from the teaching of Lampotang to modify the device of Poylo by using the vital sound data further classified by age and gender as taught by Lampotang to help the simulation behave in a manner consistent with a human patient.

**Claims 13-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poylo (US 3,665,087) in view of Lampotang et al. (US 5,779,484), as applied to claims 1-12 above, and further in view of Krause (US 3,888,020).**

Poylo/Lampotang discloses applicant's basic inventive concept of an auscultation training device, substantially as claimed, but does not expressly disclose a plural vital sound hearing means which enables at least two persons to hear said vital sound data reproduced therefrom. Krause shows this feature to be old in the auscultation training device art. Krause teaches using either a loudspeaker or a stethoscope to emit vital sound data to a user (*col. 2, 45-49*). A loudspeaker would enable at least two persons to hear sound data. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention from the teaching of Krause to modify the device of Poylo by including the loudspeaker of Krause to give the user more flexibility in how to listen to a sound and to allow multiple students to hear a sound.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following documents disclose a model human body that produces sounds that can be heard with a stethoscope simulator: Clark et al. (US 3,520,071), Ackerman et al. (US 3,564,729), Gordon et al. (US 3,947,974), Dhont et al. (US 5,397,237), Amend et al. (US 6,220,866) and Yoshii et al. (US 2002/0051959).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Andrew Stallard whose telephone number is (571) 272-2685. The examiner can normally be reached on 9:15 am to 6:45 pm - Mon - Fri (1st Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Andrew Stallard  
Examiner  
Art Unit 3715

*Monica S. Carter*  
MONICA CARTER  
SUPERVISORY PATENT EXAMINER